

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BROADCAST MUSIC, INC.;)
JOHNNY BEINSTOCK MUSIC;)
ABKCO MUSIC INC.;)
CYANIDE PUBLISHING;)
SONGS OF UNIVERSAL INC.;)
GET LOOSE MUSIC, INC.;)
RONDOR MUSIC INTERNATIONAL,)
INC. d/b/a IRVING MUSIC;)
SONY/ATV SONGS LLC d/b/a)
SONY/ATV TREE PUBLISHING;)
WARNER-TAMERLANE PUBLISHING)
CORP.;)
ELEKSYLUM MUSIC, INC.;)
NO SURRENDER MUSIC, A DIVISION)
OF PRAXIS INTERNATIONAL)
COMMUNICATIONS, INC.;)
FOURTEENTH HOUR MUSIC INC.;)
SPRINGTIME MUSIC, INC.;)
DANDELION MUSIC CO., A)
DIVISION OF JAMIE MUSIC)
PUBLISHING CO.;)
ESCATAWPA SONGS;)
UNIVERSAL MUSIC MGB NA LLC)
d/b/a UNIVERSAL MUSIC CAREERS;)
ALEX BAND MUSIC;)
AMEDEO MUSIC;)
TOKECO TUNES;)
BIG YELLOW DOG LLC)
d/b/a BIG YELLOW DOG MUSIC;)
UNIVERSAL SONGS OF POLYGRAM)
INTERNATIONAL, INC.;)
CAL IV ENTERTAINMENT LLC)
d/b/a HOPE N CAL MUSIC;)
SLOWBORNE MUSIC;)
3RING CIRCUS LLC)
d/b/a SOUL RIDE MUSIC;)
ROOT 49 MUSIC, LLC)
d/b/a ROOT 49 MUSIC;)
CACKALACKI TWANG;)

CASE NO.

1:12 CV 491

JUDGE

J. DLOTT

FILED

JUN 27 2012

JAMES BONINI, Clerk
CINCINNATI, OHIO

COMPLAINT

AVERAGE JOES ENTERTAINMENT)
GROUP, INC. d/b/a AVERAGE ZJ'S)
MUSIC PUBLISHING;)
INDIANA ANGEL MUSIC;)
7 World Trade Center)
250 Greenwich Street)
New York, New York 10007)
)
Plaintiffs)
)
v.)
)
JENNIFER H. HILL)
d/b/a JEN'S BAR & GRILL)
4047 Hamilton Middletown Road)
Hamilton, Ohio 45011-2262)
)
Defendant)

Plaintiffs, by their attorneys, for their Complaint against Defendant, allege as follows on knowledge as to Plaintiffs; otherwise, on information and belief.

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 7.5 million copyrighted musical compositions (the "BMI Repertoire"), including those that are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions that are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Johnny Beinstock Music is a sole proprietorship owned by John Beinstock. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Abkco Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Cyanide Publishing is a partnership owned by Robert Kuyendall, Richard A Ream, Bruce Johannesson and Bret M. Sychak. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Get Loose Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Eleksylum Music, Inc. is a corporation. This Plaintiff is the

copyright owner of at least one of the songs in this matter.

14. Plaintiff No Surrender Music is a division of Praxis International Communications, Inc. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Fourteenth Hour Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Springtime Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Dandelion Music Co. is a division of Jamie Music Publishing Company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Escatawpa Songs is a partnership owned by Bradley Kirk Arnold, Robert Todd Harrell, Mathew Darrick Roberts and Christopher Lee Henderson. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Plaintiff Universal Music MGB NA LLC is a limited liability company doing business as Universal Music Careers. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff Alex Band Music is a sole proprietorship owned by Alex Band. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Plaintiff Amedeo Music is a sole proprietorship owned by Aaron Kamin. This Plaintiff is the copyright owner of at least one of the songs in this matter.

22. Plaintiff Tokeco Tunes is a sole proprietorship owned by Toby Keith Covel. This Plaintiff is the copyright owner of at least one of the songs in this matter.

23. Plaintiff Big Yellow Dog LLC is a limited liability company doing business

as Big Yellow Dog Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

24. Plaintiff Universal Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

25. Plaintiff Cal IV Entertainment LLC is a limited liability company doing business as Hope N Cal Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

26. Plaintiff Slowborne Music is a sole proprietorship owned by Anders Osborne Dahlqvist. This Plaintiff is the copyright owner of at least one of the songs in this matter.

27. Plaintiff 3Ring Circus LLC is a limited liability company doing business as Soul Ride Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

28. Plaintiff Root 49 Music, LLC is a limited liability company doing business as Root 49 Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

29. Plaintiff Cackalacki Twang is a sole proprietorship owned by Bridgette Tatum Tweed. This Plaintiff is the copyright owner of at least one of the songs in this matter.

30. Plaintiff Average Joes Entertainment Group, Inc. is a corporation doing business as Average ZJs Music Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

31. Plaintiff Indiana Angel Music is a sole proprietorship owned by Brantley Keith Gilbert. This Plaintiff is the copyright owner of at least one of the songs in this matter.

32. Defendant Jennifer L. Hill operates, maintains and controls an establishment known as Jen's Bar & Grill located at 4047 Hamilton Middletown Rd, Hamilton, OH, 45011-2262 (the "Establishment"), in this district. In connection with the operation of this business, Defendant

Jennifer L. Hill publicly performs musical compositions and/or causes musical compositions to be publicly performed.

33. Defendant Jennifer L. Hill is the sole proprietor of Jen's Bar & Grill, with primary responsibility for the operation and management of the Establishment.

34. Defendant Jennifer L. Hill has the right and ability to supervise the activities of Jen's Bar & Grill and a direct financial interest in the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

35. Plaintiffs repeat and reallege each of the allegations contained in Paragraphs 1 through 34.

36. Plaintiffs allege seventeen (17) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

37. Attached hereto and incorporated herein as Exhibit A is a Schedule identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the seventeen (17) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date

on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

38. For each musical composition identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

39. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

40. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

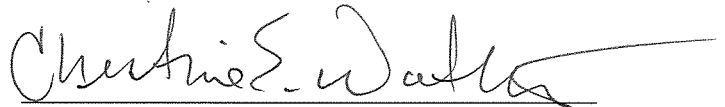
41. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

42. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright

infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs demand that:

- A. Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;
- B. Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);
- C. Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and
- D. That Plaintiffs have such other and further relief as is just and equitable.



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One of the Attorneys for Plaintiffs

EXHIBIT A

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Call Me The Breeze
Line 3	Writer(s)	John Cale
Line 4	Publisher Plaintiff(s)	John Bienstock, an individual d/b/a Johnny Bienstock Music
Line 5	Date(s) of Registration	10/27/77
Line 6	Registration No(s).	Ep 375425
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	2
Line 2	Musical Composition	Can't You Hear Me Knocking
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music Inc.
Line 5	Date(s) of Registration	8/9/71
Line 6	Registration No(s).	Ep 289681
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	3
Line 2	Musical Composition	Every Rose Has Its Thorn
Line 3	Writer(s)	Bret Michael Sychak p/k/a Bret Michaels; Bruce Anthony Johannesson p/k/a C.C. DeVille; Robert Harry Kuykendall p/k/a Bobby Dall; Richard Alan Ream p/k/a Rikki Rockett
Line 4	Publisher Plaintiff(s)	Robert Kuykendall, Richard A. Ream, Bruce Johannesson and Bret M. Sychak, a partnership d/b/a Cyanide Publishing
Line 5	Date(s) of Registration	8/1/88
Line 6	Registration No(s).	PA 374-492
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	4
Line 2	Musical Composition	Gimme Back My Bullets a/k/a Give Me Back My Bullets
Line 3	Writer(s)	Gary Rossington; Ronnie VanZant
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Get Loose Music, Inc.
Line 5	Date(s) of Registration	3/5/76
Line 6	Registration No(s).	Eu 658930
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	5
Line 2	Musical Composition	Have Mercy
Line 3	Writer(s)	Paul Kennerley
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	11/13/85
Line 6	Registration No(s).	PA 267-938
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	6
Line 2	Musical Composition	He's Got You a/k/a She's Got You
Line 3	Writer(s)	Hank Cochran
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	1/17/89 12/29/61
Line 6	Registration No(s).	RE 425-862 Ep 159021
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	7
Line 2	Musical Composition	Keep Your Hands To Yourself
Line 3	Writer(s)	Dan Baird
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Eleksylum Music, Inc.; No Surrender Music, a division of Praxis International Communications, Inc.
Line 5	Date(s) of Registration	10/15/86
Line 6	Registration No(s).	PA 304-742
Line 7	Date(s) of infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	8
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	9
Line 2	Musical Composition	Never Been To Spain
Line 3	Writer(s)	Hoyt Axton
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	11/20/70
Line 6	Registration No(s).	Eu 218427
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	10
Line 2	Musical Composition	She Talks To Angels
Line 3	Writer(s)	Chris Robinson; Rich Robinson
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	8/14/91
Line 6	Registration No(s).	PA 532-894
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	11
Line 2	Musical Composition	She's Some Kind Of Wonderful a/k/a Some Kind Of Wonderful
Line 3	Writer(s)	J. Ellison a/k/a John Ellison
Line 4	Publisher Plaintiff(s)	Dandelion Music Co., a division of Jamie Music Publishing Co.
Line 5	Date(s) of Registration	6/5/67
Line 6	Registration No(s).	Ep 232189
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	12
Line 2	Musical Composition	Loser
Line 3	Writer(s)	Matt Roberts; Brad Arnold; Todd Harrell
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Bradley Kirk Arnold, Robert Todd Harrell, Matthew Darrick Roberts and Christopher Lee Henderson, a partnership d/b/a Escatawpa Songs
Line 5	Date(s) of Registration	5/15/00
Line 6	Registration No(s).	PA 999-802
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	13
Line 2	Musical Composition	Wherever You Go a/k/a Wherever You Will Go
Line 3	Writer(s)	Alex Band; Aaron Kamin
Line 4	Publisher Plaintiff(s)	Universal Music MGB NA LLC d/b/a Universal Music Careers; Alex Band, an individual d/b/a Alex Band Music; Aaron Kamin, an individual d/b/a Amedeo Music
Line 5	Date(s) of Registration	8/15/01
Line 6	Registration No(s).	PA 1-015-547
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	14
Line 2	Musical Composition	Beer For My Horses
Line 3	Writer(s)	Scott Emerick; Toby Keith
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Toby Keith Covei, an individual d/b/a Tokeco Tunes; Big Yellow Dog LLC d/b/a Big Yellow Dog Music
Line 5	Date(s) of Registration	9/16/02
Line 6	Registration No(s).	PA 1-109-842
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	15
Line 2	Musical Composition	Watch The Wind Blow By
Line 3	Writer(s)	Anders Osborne; Dylan Y. Altman
Line 4	Publisher Plaintiff(s)	Universal Songs of Polygram International, Inc.; Cal IV Entertainment LLC d/b/a Hope N Cal Music; Anders Osborne Dahlqvist, an individual d/b/a Slowborne Music
Line 5	Date(s) of Registration	2/18/03
Line 6	Registration No(s).	PA 1-147-387
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	16
Line 2	Musical Composition	She's Country
Line 3	Writer(s)	Bridgette Tatum; Danny Myrick
Line 4	Publisher Plaintiff(s)	3Ring Circus Music, LLC d/b/a Soulrde Music; Root 49 Music LLC d/b/a Root 49 Music; Bridgette Tatum Tweed d/b/a Cackalacki Twang
Line 5	Date(s) of Registration	12/7/09
Line 6	Registration No(s).	PA 1-670-811
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill

Line 1	Claim No.	17
Line 2	Musical Composition	Dirt Road Anthem
Line 3	Writer(s)	Brantley Gilbert; Colt Ford
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Average Joes Entertainment Group Inc. d/b/a Average Zjs Music Publishing; Brantley Keith Gilbert, an individual d/b/a Indiana Angel Music
Line 5	Date(s) of Registration	5/10/10
Line 6	Registration No(s).	PA 1-694-080
Line 7	Date(s) of Infringement	1/27/2012
Line 8	Place of Infringement	Jen's Bar & Grill